

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	PDSD Assigned RID # 93
Customer RID	<input checked="" type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input checked="" type="checkbox"/>
		As time available	<input type="checkbox"/>

1. Project Name: Applicability of development density within property classified as "1DZ RIO-2" Infill Development Zone River Improvement Overlay 2 with uses permitted in "C3" General Commercial District, "MF-50" Multi-Family District, "D" Downtown District.

2. Project Number: Zoning Case No. Z2004219
(Plat #, Zoning Case #, etc.)

3. Project Street Address: 312 Pearl Parkway
(If not available nearest intersection of two public streets)

4. Applicant Name: Rio Perla Properties, L.P.; c/o Pape-Dawson, Engineers,
Attn: Tom Carter, P.E.

5. Applicant Address: 5121 Broadway, San Antonio, TX 78209

6. Applicant Telephone: (210) 375-9000

7. Applicant e-mail Address: #: tcarter@pape-dawson.com

8. Rule in Question:
(Section and/or policy of UDC, Sign Code, etc)
Development density of MF-50 in IDZ Zoning District as defined in Case No. Z2004219

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)

Date: 12/6/2010 **Contact:** Tom Carter **Contact Telephone #:** 375-9000

Applicant's position is that infill development within the Pearl Brewery Development zoned as "IDZ RIO-2" Infill Development Zone River Improvement Overlay 2 can exceed the MF-50 density requirements (50 units/acre) are defined by the aforementioned zoning case, which also permitted uses in "D" Downtown District. "D" Downtown District requirements do not state a maximum development density. This RID would support a development density that exceeds 50 units/acre within the Pearl Brewery Development under "IDZ RIO-2" zoning.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: December 6, 2010 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Residential density in Table 310-1 is a gross calculation. Appendix A of the UDC defines gross density as follows:

Density, gross. The number of dwelling units divided by the total land area subject to an application for development approval, stated as dwelling units per acre.

This definition implies that a total site - inclusive of open space, parking areas and circulation systems - shall be included when calculating gross density. This may include 900 series lots.

The "D" Downtown district is limited to a specific geographic area as exhibited in 35-310.11 of the UDC. The application of the D district to properties beyond these boundaries shall require action by the City Council to amend the text of the Unified Development to alter the boundaries.

Staff finds that in some instances, including the Pearl Brewery rezoning as well as the Victoria Courts rezoning, IDZ designations were created that referenced D uses. These appear to be isolated cases and no recent such designations have occurred.

Staff finds that the D downtown district allows multi-family uses of unlimited densities.

When IDZ is proposed as a base-zoning district, the applicant is required to designate a use, or uses, on their property subject to a site plan and other requirements in 35-343. These uses need not be limited to those listed in tables 311-1 or 311-2. *For example, an ice machine is not a use listed in the use tables, however it may be a use authorized through an IDZ site plan.*

Staff finds no prohibition from requesting multi-family uses greater than 50 units per acres in an IDZ case, however, since a site plan is required, the applicant shall provide the location and total density requested through the zoning case. The expression of the total requested density shall be a gross calculation.

For example, a 2.5-acre site with a 65,000 square foot building footprint consisting of 275 units in a three-story building with the balance of the site used for amenities and off-street loading facilities shall be considered 110 dwelling units per acre. ($275/2.5 = 110$)

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: December 6, 2010 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Upon issuance of this RID, IDZ zoning cases, where IDZ is the base district, may request multi-family uses subject to the site plan required by 35-343 and an indication of final dwelling units per acre. Staff shall honor previous IDZ cases that authorized D downtown

uses that permit unlimited multifamily densities however, such designations shall not be authorized in the future unless and until the City Council amends the UDC to expand the eligible boundaries of the D district. Any IDZ case that references another zoning district, for example "all C-2 uses" shall be limited to only those uses allowed in that district in effect at the time of the ordinance establishing the IDZ district at that location.

Staff is directed to use gross density calculations, as defined, when reviewing multi-family developments.

12. Departmental Policy or Action:


(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: 12/6/2010

Effective Date of policy/action: immediate

Upon issuance of this RID, IDZ zoning cases, where IDZ is the base district, may request multi-family uses subject to the site plan required by 35-343 and an indication of final dwelling units per acre. Staff shall honor previous IDZ cases that authorized D downtown uses that permit unlimited multifamily densities however, such designations shall not be authorized in the future unless and until the City Council amends the UDC to expand the eligible boundaries of the D district. Any IDZ case that references another zoning district, for example "all C-2 uses" shall be limited to only those uses allowed in that district in effect at the time of the ordinance establishing the IDZ district at that location.

Staff is directed to use gross density calculations, as defined, when reviewing multi-family developments.



Roderick Sanchez, AICP, C.B.O
Director

12-9-10

Date